

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Cr. No. 16-10236-MLW
)	
ROBERT M. PENA,)	
Defendant.)	

ORDER

WOLF, D.J.

May 15, 2020

For the reasons discussed at the May 15, 2020 hearing, it is hereby ORDERED that:

1. Defendant Robert Pena's Motion for Indicative Ruling (Dkt. No. 173) is ALLOWED. The court finds that defendant's Emergency Motion for Compassionate Release under 18 U.S.C. §3582(c)(1)(A)(i) (Dkt. No. 171, the "Motion") raises a substantial issue and that, if the Court of Appeals for the First Circuit remands for the purpose of ruling on the Motion, and Pena again tests negative for COVID-19 infection, the court will allow the Motion and re-sentence defendant as follows:

a. The court will modify defendant's sentence of imprisonment to time-served;

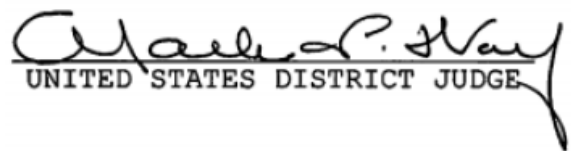
b. The court will increase defendant's term of Supervised Release to three years, on the mandatory, standard, and special conditions imposed at sentencing on April 23, 2019, and, until January 26, 2022, on the following special condition:

Defendant shall be restricted to his residence in Falmouth, Massachusetts, subject to electronic location monitoring, except for medical appointments approved in advance by Probation; any medical emergency, provided he report it to Probation within 24 hours; religious observances approved in advance by Probation; and court appearances or other activities approved by the court; and

c. The remainder of defendant's sentence shall otherwise be unchanged and remain in effect.

2. Defendant shall promptly notify the clerk of the Court of Appeals of this Ruling and Order. See Fed. R. Crim. P. 37(b); Fed. R. App. P. 12.1.

3. The parties shall order the transcript of the May 15, 2020 hearing on an expedited basis.


UNITED STATES DISTRICT JUDGE